

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JOSE JIMENEZ, :  
Plaintiff, :  
: 18 Civ. 7273 (LGS)  
-against- :  
: ORDER  
THE CITY OF NEW YORK, :  
Defendant. :  
:  
----- X

LORNA G. SCHOFIELD, District Judge:

WHEREAS, pro se Plaintiff submitted the attached July 24, 2020, *ex parte* letter, requesting the Court entertain settlement discussions;

WHEREAS, the parties' joint status letter of August 12, 2020, stated that they did not wish to be referred for settlement discussions;

WHEREAS, per the March 31, 2020, Case Management Plan, the Court will refer the parties to settlement discussions if the parties jointly request such referral. It is hereby **ORDERED** that if the parties wish to be referred for settlement discussions, they shall file a joint letter prior to the case management conference scheduled for September 29, 2020.

The Clerk of Court is respectfully directed to mail a copy of this Order to pro se Plaintiff.

Dated: August 26, 2020  
New York, New York

  
**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**

Jose Jimenez  
15A3095  
Great Meadow C. F.  
Box 51  
Comstock, N.Y. 12821

July 24, 2020

Honorable Lorna G. Schofield  
United States District Judge  
U.S. District Court  
Southern District of New York  
500 Pearl Street  
New York, N.Y. 10007

Re: Jimenez v. City of New York  
18 Civ. 7273 (LGS)

Your Honor:

In the deposition of July 17, 2020, discussed was my inmate grievance and request program statement form a copy of which is enclosed. On my medical records dated June 11, 2015 I was consulted by Charles Appoah, RPA and on his general examination which revealed:

LAB TESTS REVIEWED TECHNIQUE: single view, FINDINGS: There is no radiographic evidence of tuberculosis. The cardiac size is normal. No infiltrate, congestive heart failure or pleural effusion are present. IMPRESSION: Normal chest radiograph. No evidence of active tuberculosis. There is no significant change when compared to the exam of November 17, 2011. Report electronically signed by: Ronald Schlifftman. Report signed on December 13, 2014 10:14 a.m.

Actually I was not in the system until July 2012, therefore apparently I am being confused with a different Jose Jimenez, which has occurred in the past. In fact three times while at Rikers Island they confused me with another Jose Jimenez. The first time, I was in the dentist chair and about to have a procedure done until, I was asked what my pedigree information was. It was discovered they had the wrong Jose Jimenez. I was again called to the clinic for a medical follow-up and again it was the wrong Jose Jimenez, then again it was the wrong person when I was called to the law library. Evidently, I was being confused with another Jose Jimenez like the time of the exam of November 17, 2011.

On June 12, 2015, I went to the clinic to get a second opinion and was consulted by Dr George Aryeertey, who refused to examine me for TB. After I submitted the grievance on June 11, 2015, I wrote a letter that the group of us were relocated to the Manhattan Detention Center because of the numerous problems such as poor ventilation, bathroom issues, shower issues, leakage in room. This is the reason we were relocated. The grievance may not have followed up on my grievance because we were relocated. The Corizan Health Inc. like many jail companies that contract with jails usually has numerous complains and lawsuits. According to the medical report you mentioned about Tuberculosis Assessment on last PPD: Dates: 2012-07-07 Result: Abnormal/positive/reactive. Nevertheless, if there is a claim it was me then they should have followed up and interpreted the PPD result as any physician should do.

As to my medical degree I informed you that I obtained it at the Santiago University. The correct name is Universidad Technologies De Santiago (UTESA), Dominican Republic. I completed in 1990 and you can check with the New York Organ Donor Network. I worked for them from January 1995 to January 2013 where I officially resigned. While at the NYODN I worked as a recovery specialist for tissue and organs used for transplants for 19 years. They have a copy of all my undergraduate studies transcripts, medical school records and my thesis at Delaware Credential Evaluation.

In addition, if I had T.B. before entering Rikers Island, I would have affected my whole family, especially my two sisters, niece and nephew as they all suffer from Lupus Erythematosus, They are susceptible of getting any kind of transmittable disease as they have compromised immune systems. However, I am now infected for life with mycobacterium tuberculosis. Given that I suffer from type II diabetes and new exposure or re-infection with TB will take a horrendous toll on me as my immune system is compromised as well. My oldest son was diabetic and contracted covid-19 and passed away on April 10, 2020.

As previously mentioned in my disposition secondary TB can affect (a) the central nervous system, rarer but scary; meningitis, and sub-acute headaches for which I currently take 600 milligrams Ibuprofen (b) bone involvement vertebral column – Potts disease (c) heart pericarditis which has increased mortality of 5% (d) Gastrointestinal (GI) tract , peritonitis, inflammation of the peritoneum (e) On male epoxydimitis and prostatitis.

Presently I suffer with abdominal pain for the last ten months, as well as depression because I am infected with TB for the rest of my life. I also currently experience shortness of breath and a mild cough , loss of strength, easily fatigued to the point of exhaustion and cannot exercise. Due to the above I have reconsidered your offer to settle this matter.

Very truly yours,

  
Jose Jimenez

Mr. Caleb C. Hogopian  
Assistant Corporation Counsel  
100 Church Street  
New York, N.Y. 10007

City of New York - Department of Correction

# INMATE GRIEVANCE AND REQUEST PROGRAM STATEMENT FORM

Inmate's Name:	Book & Case #:	NYSID # (optional):	
JOSE Jimenez	44114 11119	07574592 H	
Facility:	Housing Area:	Date of Incident:	Date Submitted:
N.I.C.	H F/062-B	06-11-2015	06-11-2015

All grievances and requests must be submitted within ten business days after the incident occurred, unless the condition or issue is ongoing. The inmate filing the grievance or request must personally prepare this statement. Upon collection by Inmate Grievance and Request Program (IGRP) staff, IGRP staff will time-stamp and issue it a grievance/request reference number. IGRP staff shall provide the inmate with a copy of this form as a record of receipt within two business days of receiving it.

Inmate's Statement:

I arrived here at Rikers Island on December 2014. Upon my arrival they performed several medical tests, serological X-ray, P.T exams etc. I was free of any diseases. However currently, I am in N.I.C. building, and I am housed with multiple inmates, whom had been tested and are found to be positive for tuberculosis (T.B). Tuberculosis spread easily and its very contagious disease. I went to the clinic 6-11-2015. During the afternoon.

Action Requested by Inmate:

I went to see the Doctor, about my concern to T.B. I told the Doctor to test me for T.B and he refused to test me. Presently, I feel emotional distress, depressed and I am afraid of my life and health.

Please read below and check the correct box:

Do you agree to have your statement edited for clarification by IGRP staff?

 Yes       No  
 Yes       No  
 Yes       No

Do you need the IGRP staff to write the grievance or request for you?

 Yes       No  
 Yes       No  
 Yes       No

Have you filed this grievance or request with a court or other agency?

Did you require the assistance of an interpreter?

Inmate's Signature:

Date of Signature:

06-11-2015

For BOC Office Use Only

IGRP RETAINS THE DOUBLE-SIDED ORIGINAL FOR ADMINISTRATIVE RECORDS.  
IGRP MUST PROVIDE A COPY OF THIS FORM TO THE INMATE AS A RECORD OF RECEIPT.

Inmate Stamp Below:	Grievance and Request Reference #:	Category:
Inmate Grievance and Request Program Staff's Signature:		

NEOPOST \$000.50<sup>b</sup>

07/29/2020 12821  
07/29/2020 1283103  
04/14/2020 1283102

Great Meadow



CORRECTIONAL FACILITY

GREAT MEADOW CORRECTIONAL FACILITY  
BOX 51, NEW YORK 12821-0051  
NAME: JOSE JIMENEZ  
CONSTOCK

DIN: 15A3095

Correctional Facility

Honorable Lorna G. Schofield  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, N.Y. 10007